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EXPRESS MAIL NO. EL897869213US

### DECLARATION

As the below-named inventors, we declare that:

Our residences, post office addresses, and citizenships are as stated below under our names.

We believe we are the original, first, and joint inventors of the invention entitled "MODULAR GRAFTED POLYMERIC SURFACES," which is described and claimed in the specification and claims of Patent Application No. 09/905,676, which we filed in the United States Patent and Trademark Office on July 13, 2001 and for which a patent is sought. This application claims the benefit of Provisional Application No. 60/218,236, filed July 14, 2000, and Provisional Application No. 60/282,099, filed on April 6, 2001.

We have reviewed and understand the contents of the above-entitled specification, including the claims, as amended by any amendment specifically referred to herein (if any).

We acknowledge our duty to disclose information of which we are aware which is material to the patentability and examination of this application in accordance with 37 C.F.R. § 1.56(a).

We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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\_\_\_\_\_  
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Province of Victoria

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Francesca Ercole


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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Nicholas Jon Ede, Rasoul Firas, Nobuyoshi Joe Maeji, Francesca Ercole, Yen Pham, Gordon Tribbick, Saman Sandanayake and Senake Perera  
Application No. : 09/905,676  
Filed : July 13, 2001  
For : MODULAR GRAFTED POLYMERIC SURFACES

Docket No. : 660097.408

Box Missing Parts  
Commissioner for Patents  
Washington, DC 20231

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73 AND POWER OF ATTORNEY

The undersigned, being Assignee of the entire interest in the above-identified application by virtue of an Assignment filed concurrently herewith, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

I hereby appoint George C. Rondeau, Jr., Reg. No. 28,893; David H. Deits, Reg. No. 28,066; William O. Ferron, Jr., Reg. No. 30,633; Richard G. Sharkey, Reg. No. 32,629; David V. Carlson, Reg. No. 31,153; Karl R. Hermanns, Reg. No. 33,507; Michael J. Donohue, Reg. No. 35,859; Jane E. R. Potter, Reg. No. 33,332; Robert Iannucci, Reg. No. 33,514; Lorraine Linford, Reg. No. 35,939; David W. Parker, Reg. No. 37,414; E. Russell Tarleton, Reg. No. 31,800; Ellen M. Bierman, Reg. No. 38,079; Brian G. Bodine, Reg. No. 40,520; Robert M. Ward, Reg. No. 26,517; Frank Abramonte, Reg. No. 38,066; Kevin S. Costanza, Reg. No. 37,801; Stephen J. Rosenman, Reg. No. 43,058; Brian L. Johnson, Reg. No. 40,033; Susan D. Betcher, Reg. No. 43,498; William T. Christiansen, Reg. No. 44,614; Jeffrey C. Pepe, Reg. No. 46,985; Timothy L. Boller, Reg. No. 47,435; James M. Verna, Reg. No. 33,287; James A. Mesher, Reg. No. P-48,700; Mae J. Rosok, Reg. No. P-48,903; Dale R. Cook, Reg. No. 42,434; comprising the firm of Seed Intellectual Property Law Group PLLC, 701 Fifth Avenue, Suite 6300, Seattle, Washington 98104-7092, as my attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. Please direct all

correspondence to **Karl R. Hermanns** at Seed Intellectual Property Law Group PLLC, 701 Fifth Avenue, Suite 6300, Seattle, Washington 98104-7092, telephone calls to (206) 622-4900 and telecopies to (206) 682-6031.

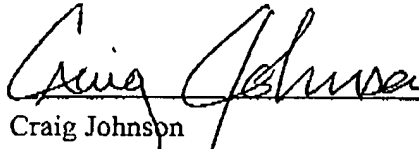
Please direct all communications to:

Karl R. Hermanns  
Seed Intellectual Property Law Group PLLC  
6300 Columbia Tower  
701 Fifth Avenue  
Seattle, Washington 98104-7092

Pursuant to 37 C.F.R. § 3.73, the undersigned duly authorized designee of Assignee certifies that the evidentiary documents have been reviewed, specifically the Assignment to Mimotopes Pty Ltd., a Division of MitoKor, filed concurrently herewith for recording, a copy of which is attached hereto, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

MIMOTOPES PTY LTD., a Division of MitoKor  
ASSIGNEE

10-26-01  
DATE

  
\_\_\_\_\_  
Craig Johnson  
Chief Financial Officer, MitoKor  
Director, Mimotopes

Enclosure:  
Copy of Assignment

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**COPY****ASSIGNMENT**

WHEREAS, we, Nicholas Jon Ede, Francesca Ercole, Yen Pham, Gordon Tribbick, Saman Sandanayake and Senake Perera (hereinafter referred to as ASSIGNORS), having post office addresses of 10 Melrose Avenue, Malvern, Victoria 3148, Australia; 9 Regal Court, Vermont South, Victoria 3133, Australia; 49 Provost Street, North Melbourne, Victoria 3051, Australia; 12 Young Street, Kew, Victoria 3101, Australia; 1/32 Tourmaline Crescent, Wheelers Hill, Victoria 3150, Australia; and 56 Old Orchard Drive, Wantirna South, Victoria 3152, Australia, respectively, are the joint inventors of an invention entitled "MODULAR GRAFTED POLYMERIC SURFACES," as described and claimed in the specification for which an application for United States letters patent was filed on July 13, 2001, and assigned Application No. 09/905,676. This application claims the benefit of Provisional Application No. 60/218,236, filed July 14, 2000, and Provisional Application No. 60/282,099, filed on April 6, 2001.

WHEREAS, MIMOTOPES PTY. LTD. (hereinafter referred to as ASSIGNEE), a Division of MitoKor, a Corporation of the State of California, having a place of business at 11 Duerdin Street, Clayton, Victoria 3168, Australia, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign and transfer unto said ASSIGNEE the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNORS had this assignment, transfer and sale not been made. ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNORS agree to execute all

instruments and documents required for the making and prosecution of applications for United States and foreign letters patent on said invention, for litigation regarding letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

23/10/01.  
Date

N. J. Ede  
Nicholas Jon Ede

23/10/01  
Date

[Signature]  
Witness

23/10/01  
Date

Francesca Ercole 23-10-2001  
Francesca Ercole

23/10/01  
Date

[Signature]  
Witness

25/10/01  
Date

[Signature]  
Yen Pham

25/10/01  
Date

[Signature]  
Witness

25-10-2001  
Date

Gordon Tribbick  
Gordon Tribbick

25/10/2001  
Date

[Signature]  
Witness

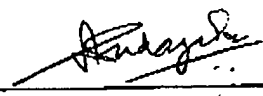
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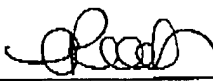
23/10/01  
Date

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Saman Sandanayake

  
Witness

  
Senake Perera

  
Witness